IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO.83 OF 2006

M/s.Jain Brothers. ...Applicant.

vs.

Union of India. ...Respondent.

Mr.Mangesh Humane i/b. U.S.Samudrala, for Applicant.

Mr.Suresh Kumar, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 6th October,2006

P.C.:-

1. The learned Counsel appearing for Applicant states that in view of the objections raised on behalf of respondent, applicant shall again invoke arbitration clause afresh restricting it to 20% of the contract amount. Therefore, he seeks leave of the court to withdraw the application.

2. The learned Counsel appearing for respondent states that within two weeks from today the General Manager, Western Railway

on receiving fresh notice from the applicant shall decide the question whether claims in relations to which the arbitration clause is invoked are arbitrable or not and in case he finds that any of the claims are arbitrable, he will make appointment of arbitrator in accordance with the terms of the contract between the parties within six weeks. In case he finds that none of the claims made by the applicant are arbitrable, then decision to that effect will be communicated to the applicants. Statements are accepted. In view of the statements, application is disposed of.